

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	WELNICK ET AL.	)	
		)	Examiner A. Addy
Appl. No.	10/626,184	)	
		)	Art Unit 2617
Confirm. No.	1465	)	
		)	Atty. Docket No. CS23200RL
Filed:	23 July 2003	)	
Title:	"Accelerated Allocation Of Neighbor Signals To Candidates In Cellular Communications Devices"		

**PRE-APPEAL BRIEF REVIEW REQUEST**

Assistant Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

**Review Request & Claim Status**

The final Office action mailed 12 December 2006 has been considered. Pre-appeal brief review is respectfully requested. A notice of appeal has been filed concurrently. The claims have not been amended since the mailing of the final Office action. Claims 1-13 and 17-19 are pending.

**Allowability of Claims Over Joshi & Krause**

Rejection Summary

Claims 1-13 and 17-19 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2004/0203838 (Joshi) in view of U.S. Patent No. 6,058,319 (Krause).

#### Discussion of Claim 1

Regarding Claim 1, the prior art fail to disclose or suggest a

... method in a wireless communications device that allocates neighbor signals to a candidate set, the method comprising:  
determining a number of signals in an active set;  
allocating signals to the candidate set more quickly when the number of signals in the active set is less than a threshold number than when the number of signals in the active set is greater than the threshold number.

#### Discussion of Claim 9

Regarding Claim 9, the prior art fail to disclose or suggest a

... method in a wireless communications device that allocates neighbor signals to a candidate set based on criteria considered over at least one scanning period, the method comprising:  
determining a number of signals in an active set;  
when the number of signals in the active set is greater than a threshold number, allocating neighbor signals to the candidate set using criteria considered over more than one scanning period;  
when the number of signals in the active set is less than the threshold number, allocating neighbor signals to the candidate set using criteria considered over fewer scanning periods than when the number of signals in the active set is greater than the threshold number.

#### Discussion of Claim 17

Regarding Claim 17, the prior art fail to disclose or suggest a

... method in a wireless communications device that allocates neighbor signals to a candidate set, the method comprising:  
allocating signals to the candidate set based on signal allocation criteria;  
dynamically changing the signal allocation criteria based on either a number of signals in an active signal set or on a signal quality of a strongest signal in the active signal set.

### Discussion of Joshi & Krause

The passages of Joshi referenced by the Examiner do not support the asserted rejections. At paras. [0065-70], Joshi discusses the conditions (e.g., number of active set base stations, S/N threshold condition, among others) on which off-frequency searching is performed. In Joshi, the conditions on which off-frequency searching is performed are not related to whether signals are allocated to the active set. At para. [0059], Joshi specifically discloses that signals are promoted to, or demoted from, the active set based on whether the signal energy satisfies add or drop energy thresholds. In Joshi, the promotion/demotion of signals to/from the active set is not based on the conditions used to determine whether off-signal searching is performed.

At col. 2, line 66 – col. 3, line 5, Krause discusses quickly and reliably determining and promoting strong neighbor pilots to a candidate set. Krause however does not specify the conditions on which the signals are promoted to the candidate set.

Regarding Claim 1, Joshi is silent on how quickly signals are added to the active set. In Joshi, at para. [0065], the number of signals in the active set relates only to the need for off-frequency searching; not to how

quickly signals are added to the active set. Joshi and Krause nevertheless fail to disclose

...allocating signals to the candidate set more quickly when the number of signals in the active set is less than a threshold number than when the number of signals in the active set is greater than the threshold number.

Regarding Claim 9, contrary to the Examiner's assertion, how quickly or slowly Joshi searches for neighboring base stations has nothing to do with the number of scanning periods during which criteria are considered for allocating neighbors to the candidate set. Joshi and Krause fails to disclose or suggest

... when the number of signals in the active set is greater than a threshold number, allocating neighbor signals to the candidate set using criteria considered over more than one scanning period;

when the number of signals in the active set is less than the threshold number, allocating neighbor signals to the candidate set using criteria considered over fewer scanning periods than when the number of signals in the active set is greater than the threshold number.

Regarding Claim 17, Joshi and Krause fail to disclose or suggest a

... allocating signals to the candidate set based on signal allocation criteria;

dynamically changing the signal allocation criteria based on either a number of signals in an active signal set or on a signal quality of a strongest signal in the active signal set.

Claims 1, 9 and 17 are thus patentably distinguished over Joshi and Krause.

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**Prayer For Relief**

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ R K Bowler /

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